

Federal facilities into compliance with applicable Federal and State hazardous waste laws, to waive Federal sovereign immunity under those laws, and to allow the imposition of fines and penalties. During the development of H.R. 2194, my Administration supported this objective, but insisted that the legislation recognize unique situations presented by activities of the Department of Defense and the Department of Energy. I commend the Congress for the effort made to address these situations.

This Administration will strive to comply fully with the legislation. I want to emphasize, however, that several provisions of H.R. 2194 will require special effort and the cooperation of regulators and other interested parties to ensure that national compliance goals are met. My Administration views this legislation as a unique opportunity for a positive and constructive relationship between the various parties to ensure that enforcement actions and the assessment of fines and penalties will be exercised within a fair framework.

I look forward to a cooperative effort under this legislation to accomplish our national compliance goals and promote the implementation of efficient, cost-effective waste management programs.

In signing this bill, I wish to clarify the question of the source of payment of fines and penalties. H.R. 2194 is silent on this matter. House Report 102-111 suggests that Federal agency appropriations would be the source when the agency concedes liability or agrees to pay after an administrative hearing. However, the Judgment Fund would be the source if the agency disputed the matter and sent it to the Attorney General for defense. The Judgment Fund pro-

vides for the payment of judgments, awards, and settlements that are not otherwise provided.

This approach would put incentives in the wrong place and muddy the lines of responsibility within the Federal Government. It would take away the coercive effect penalties might have on the agencies and turn the waiver of sovereign immunity into a revenue sharing program. Accordingly, fines or penalties imposed as a result of this legislation will be paid from agency appropriations, unless otherwise required by law.

Finally, section 102(a)(3) of the bill amends the Solid Waste Disposal Act to subject the Federal Government to "all civil and administrative penalties and fines" imposed with respect to solid waste or hazardous waste, including penalties and fines "imposed for isolated, intermittent, or continuing violations." The conference report on H.R. 2194 indicates that under the latter provision, the Federal Government may be penalized "notwithstanding the holding of the Supreme Court in *Gwaltney of Smithfield, Ltd. v. Chesapeake Bay Foundation, Inc.*, 484 U.S. 49 (1987)." The Supreme Court's decision in *Gwaltney* rested in part on constitutional principles of standing and mootness. See 484 U.S. at 65-67; *id.* at 70-71 (Scalia, J., concurring in part and concurring in the judgment). I must note that no statute, and certainly no conference report, can overcome these principles.

GEORGE BUSH

The White House,
October 6, 1992.

Note: H.R. 2194, approved October 6, was assigned Public Law No. 102-386.

Statement on Signing Legislation Waiving Printing Requirements for Subsequent Appropriations Bills

October 6, 1992

I have signed into law H.J. Res. 560, which waives the printing requirements of sections 106 and 107 of title 1 of the United States Code with respect to subsequently

presented appropriations bills during the 102nd Congress. I do so to avoid any confu-

sion as to my ability to act on any form of appropriations legislation presented to me after certification by the Committee on House Administration of the House of Representatives that the form is a true enrollment. In signing the joint resolution, I express no view on whether it is necessary to waive the provisions of title 1 before I exercise my prerogatives under Article I,

Section 7 of the Constitution.

GEORGE BUSH

The White House,
October 6, 1992.

Note: H.J. Res. 560, approved October 6, was assigned Public Law No. 102–387.

Statement on Signing the Department of Transportation and Related Agencies Appropriations Act, 1993

October 6, 1992

I have signed into law H.R. 5518, the “Department of Transportation and Related Agencies Appropriations Act, 1993.” This Act includes funding necessary to maintain and improve our transportation system and to support transportation safety.

I am very disappointed that the Congress cut Federal-aid highway funding \$1.3 billion below what I requested. This reduced highways funding will result in 65,000 fewer highway jobs being supported in the coming year. The reduced funding level also could lead to deterioration of the Nation’s highway infrastructure. This would slow economic growth and job creation by increasing the transportation costs of goods in interstate commerce. The Congress could have funded Federal-aid highways at the requested level by not funding low priority programs and earmarked projects. Furthermore, the flexibility I proposed for the States to allocate funds according to their own priorities is not provided.

The bill contains an unnecessary and costly auto labeling requirement that may conflict with our international obligations on origin and labeling. In implementing this new requirement, the Department of Transportation will make every effort to provide accurate and meaningful information to consumers while minimizing costs.

The bill purports to require the Secretary of State to inform the Government of Panama within three months of the “dissatisfaction of the Government of the United States

concerning inadequate compliance by Panama with the enforcement provisions of Annex V of the International Convention for the Prevention of Pollution from Ships.” While I am concerned that this convention be properly enforced, decisions of whether and when to communicate with foreign governments are the sole province of the President. I will, therefore, treat this provision only as an indication of congressional concern in this area.

I am disappointed at the undue intrusion into the management of the Department of Transportation contained in this bill. This intrusion includes earmarking funds for projects that should be awarded based on established, objective criteria.

Nevertheless, the amount of funding provided by H.R. 5518 is consistent with my budget request, and thus allows progress toward a freeze in domestic discretionary budget authority. Because the bill provides funding for the continuance of important transportation programs within this level, I have signed it.

GEORGE BUSH

The White House,
October 6, 1992.

Note: H.R. 5518, approved October 6, was assigned Public Law No. 102–388.